

REMARKS

Applicants thank Examiner Fubara for indicating that the subject matter of dependent Claim 23 is allowable. Applicants further thank the Examiner for withdrawing the Final Rejection of December 29, 2003 and stating that the rejections in view of WO 98/44898 are moot. Applicants thank Examiner Fubara for the helpful and courteous discussion of October 26, 2004 during which the submission of an response containing new dependent claims was discussed.

Independent Claim 1 has been amended to include the limitations of previous dependent Claims 6 and 9. Amended Claim 1 is drawn to a depilatory gel sheet having a gel depilatory composition of certain viscosity.

Applicants submit the amendment to independent Claim 1 obviates the rejections under 35 U.S.C. § 102 in view of Yamamoto (JP 61221112); Saettone (FR 2038196); and Hori (U.S. 4,830,633).

Applicants further submit that amended independent Claim 1 is not obvious in view of Hori. The Office states on page 5 of the Office Action of August 11, 2005 “application of the composition via the use of a support would be an obvious modification of the application process.” The Office has not provided any support for this assertion. Applicants traverse the rejection on the grounds that the Office has not provided any evidence that the application of the Hori composition on a support is an obvious modification of the prior art process. Applicants further submit there is no evidence of record to demonstrate that those of ordinary skill in the art would find such a modification obvious. “There must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant”. In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002), citing to In re Dance, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998). The Office has provided no reason why applying the composition of Hori with the use of a support is an obvious modification. The Office has

therefore not provided a *prima facie* case of obviousness. Applicants submit the rejection of Claim 9 as obvious in view of Hori is not supportable and should be withdrawn.

Hori does not disclose the application of a depilatory gel sheet that comprises a gel depilatory composition to a body to remove hairs. The presence of a backing or support may inhibit the Hori compositions from drying. Hori discloses the application of a composition that may contain a film reinforcing agent. The prior art film reinforcing agent is a natural, synthetic or inorganic short fiber compounded with the prior art composition and is not the support of present independent Claim 1.

The compositions of Hori are applied directly to a hairy surface. The prior art depilatory agent may be an aqueous solution that is applied on a body to provide a coating which is then dried to remove the moisture in the coating (column 1, lines 47-57). The dried depilatory agent forms a film which is then peeled off.

In one embodiment of the Hori method the film which is formed by coating a depilatory agent onto a body is adhered to a pressure sensitive adhesive sheet which is then used to peel off the depilatory agent which was coated onto the body.

The film as formed can be peeled off as such to achieve the depilation. If, in this case, a pressure-sensitive adhesive sheet is bonded to the surface of the film and peeled off together with the film, the film can be peeled off without leaving any pieces because the film of the pressure-sensitive sheet are strongly bonded (column 3, lines 39-51).

When an adhesive sheet is in the methods of Hori it is applied onto a film which is already present on the body to be depilated. It is not disclosed or suggested that the depilatory agent can be present on a support during its initial application to the body.

With regards to new dependent Claim 28, Applicants note that water must be present in the gel. In contrast, the Hori methods require the drying of the depilatory agent to remove moisture. Applicants submit that new dependent Claim 28 cannot be obvious in view of Hori

on the grounds that Hori does not describe the removal of a depilatory composition from a surface where the depilatory composition is in the form of a gel or contains water.

Therefore, the subject matter of new dependent Claim 28 must be unobvious over the Hori prior art methods.

Applicants further submit that new dependent Claim 23 is novel and not obvious in view of Hori. New dependent Claim 23 requires that the viscosity of the gel depilatory agent is 300,000 mPa·s or more. The prior art depilatory agent is disclosed to have a viscosity of from 0.1 to 1,000 poises (column 2, line 26) which Applicants submit is 10 to 100,000 mPa·s. Applicants submit that new dependent Claim 23, wherein the viscosity of the gel depilatory composition is 300,000 mPa·s or more, cannot be obvious in view of Hori which discloses prior art depilatory agent having a viscosity of from 10 to 1,000 poises and preferably 0.2 to 100 poises.

Applicants submit that the amendment to independent Claim 1 places all now-pending claims in condition for allowance. Applicants respectfully request the withdrawal of the rejections and the passage of all now-pending claims to issue.

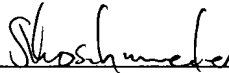
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
SUK:smi


Stefan U. Koschmieder, Ph.D.
Registration No. 50,238